United Nations S/2006/404

Security Council

Distr.: General
16 June 2006

Original: English

Letter dated 15 June 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached fifth report from Slovakia submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

06-39620 (E) 100706

Annex

Letter dated 8 June 2006 from the Deputy Permanent Representative of Slovakia to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

I have the honour to submit the fifth report of Slovakia in reply to additional questions (see enclosure). The report was elaborated on the basis of your letter dated 8 March 2006 and is submitted pursuant to paragraph 6 of resolution 1373 (2001).

(*Signed*) Dušan **Matulay**
Ambassador
Deputy Permanent Representative

Enclosure

Fifth report of Slovakia — replies to additional questions

1. Implementation measures

1.2

As was stated in the fourth report of Slovakia provided pursuant to paragraph 6 of UNSC resolution 1373 (2001), new criminal codes – the Penal Code (Act No. 300/2005 Coll.) and the Code of Criminal Procedure (Act No. 301/2005 Coll.) – have been in force in Slovakia since 1 January 2006.

The original substantive provisions related to the criminalisation of the provision or collection of funds for the commission of terrorist acts have remained unchanged in the recodified Penal Code passed by the Parliament on 20 May 2005. Just like in the previous version, the preparation of and all forms of participation in a criminal act (organisation, incitement, ordering, assistance) are punishable and this also applies to particularly serious criminal acts (*inter alia* the criminal act of terrorism; setting up, masterminding and supporting a criminal group; setting up, masterminding and supporting a terrorist group, etc.). Despite the fact that financing of terrorism has not been defined as a separate criminal act, the provisions under Section 13 and Section 21 of the Penal Code meet the requirement for the effective implementation of both the sub-paragraph 1 (b) of the Resolution and the International Convention for the Suppression of the Financing of Terrorism.

In addition to the above-mentioned forms of criminalisation of the participation in criminal acts, the definition of the criminal act of terrorism (Section 419) also remains in force. As regards the original definition of the criminal act of setting up, masterminding and supporting a criminal and terrorist group, this was divided into two separate criminal acts, namely the setting up, masterminding and supporting a criminal group (Section 296) and setting up, masterminding and supporting a terrorist group (Section 297).

1.3

On 23 March 2006, the Slovak Republic ratified the International Convention for the Suppression of Acts of Nuclear Terrorism, becoming the first country to have ratified all thirteen universal anti-terrorism conventions.

2. Implementation of resolution 1624 (2005)

Paragraph 1

2.1

One of the reasons for the adoption of the new criminal codes mentioned above, which have been in force since 1 January 2006, was to prohibit by law and prevent the incitement of terrorist acts.

In addition, a draft Act on Fight Against Terrorism i being prepared in Slovakia, which should more clearly define the relationship between the authorities to counter terrorism and, especially, give these authorities more effective powers related to ensuring the security of the state and its citizens with respect to potential terrorist attacks. The legislative objective for the future act, which falls under the competence of the Ministry of the Interior, is undergoing inter-ministerial review at the moment.

2.2

In accordance with Act No. 48/2002 Coll. on the Residence of Foreigners as amended, the Border and Alien Police Office may recommend that persons who pose a risk be rejected visa and even detained and expelled from the Slovak Republic if they have already entered its territory.

Paragraph 2

2.3

The Slovak Republic co-operates with other members of the European Union in strengthening the security of its international borders through the Border and Alien Police Office of the Police Force Presidium (BAPO PFP), with a focus on the external border of the Schengen area.

The National Unit for Combating Illegal Migration of the BAPO PFP co-operates with its partner units in other countries in compliance with international treaties or protocols in force allowing for the effective fight against human smuggling. It analyses the information acquired and, in the event of suspicions of terrorism, forwards this information to the counter terrorism department at the Office for the Fight against Organised Crime of the Police Force Presidium.

In the protection of the international borders and control of persons crossing the state border, the competent authorities use an on-line database, which enables them to identify undesirable persons included in the database and control vehicles under investigation. On the basis of Act No. 48/2002 Coll. on the Residence of Foreigners as amended, persons participating in terrorist acts who attempt to cross the border of the Slovak Republic will be refused entry to the Slovak Republic if necessary in order to ensure state security, public order, protection of health or protection of the rights and freedoms of others and, in specified areas, also in the interest of nature protection. If the databases of the Police Force of the Slovak Republic specify that the given person should be refused entry, arrested or detained, arrest and detention take priority over the refusal of entry to the Slovak Republic.

At international airports, the border police participate in measures ensuring the safety of civil aviation. In the context of ensuring safety from terrorist attacks, the police are allowed to carry out checks of aircraft, passengers and luggage to ensure that no items that could be used for a terrorist attack are being transported.

In the field of the fight against fraudulent travel documents, the Slovak Republic has adopted Council of the European Union Regulation No. 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States. New passports and driving licences in the European Union format were introduced at the beginning of 2005. These changes have significantly reduced the room for counterfeiting or forging of these documents and increased their security. It is planned to introduce biometric identification in the near future, which will further

increase the overall security of these documents. The introduction of identity cards of the Slovak Republic in the European Union format is planned for 2006.

Paragraph 3

2.4

The Slovak Republic deals with the issue of mutual understanding between different cultures and religions at a number of international fora.

The Strategy for Developing Intercultural Dialogue was adopted by the Council of Europe, which involves the preparation of the so-called "White Paper". The aim is to identify methods for the management of cultural diversity in positive, forward-looking way so that diversity is seen as an enriching experience, not a threat. Council of Europe member states, experts, MPs, local and regional representatives, civic society organisations and a variety of ethnic and religious communities from all over the European continent are taking part in the ongoing process of consultations on the content of the White Paper. Also invited to contribute to the project will be the European Union, OSCE, UNESCO and other international partners with experience from the field of multicultural dialogue, including the Arab League Educational, Cultural and Scientific Organization (ALECSO) and the Anna Lindh Euro-Mediterranean Foundation for Dialogue between Cultures.

Slovakia has taken part in a number of OSCE events on tolerance in the past. The issue of tolerance and the fight against various forms of discrimination is given much attention at the OSCE. In 2004, the relevant decision of the Ministerial Council in Maastricht (2003) on tolerance and non-discrimination was taken as the key basis.

In 2005, the Ministerial Council in Ljubljana adopted another decision on tolerance and non-discrimination supporting mutual dialogue and understanding (No. 10/05), which, *inter alia*, expressed support for the Alliance of Civilisations and participation in this initiative. Slovakia supports all of the above decisions.

Slovakia equally supports the dialogue between different religions and cultures taking place at the OSCE in the form of various events, conferences, seminars and workshops. The next event to take place is the Implementation Meeting on Tolerance in Almaty, Kazakhstan (12 - 13 June 2006) on the topic of the "Promotion of Inter-Cultural, Inter-Religious and Inter-Ethnic Understanding", where Slovakia also plans to take part.

The V-4 group also pays appropriate attention to the issue of mutual respect and understanding. Pursuant to the programme for Slovakia's presidency for the period from July 2006 to June 2007, it is planned to continue the co-operation between V4 members and Austria in combating extremism.

2.5

Any support for or promotion of groups directed at the suppression of human rights and freedoms, as well as the defamation of a nation, race or belief, and incitement of national, racial or ethnic hatred, regardless of whether these are acts motivated by terrorism, can be punished under the Penal Code in force.

Through its Resolution No. 368 of 3 May 2006, the Government also approved the "Concept for the Fight against Extremism", which is aimed at preventing various extremist activities in the territory of the Slovak Republic. Nevertheless, no criminal acts motivated by extremism have been detected in the territory of the Slovak Republic with respect to the activities of high-risk persons or terrorist organisations.

Paragraph 4

2.6

Under Article 1 (2), the Constitution of the Slovak Republic lays down that "the Slovak Republic acknowledges and adheres to general rules of international law, international treaties by which it is bound, and its other international obligations."

The Slovak Republic has always paid close attention to ensuring that any legislative measures that it takes at the national level comply with its commitments and obligations under international law. When adopting measures pursuant to UNSC Resolution 1624(2005), it ensures above all that the measures are in compliance with the protection of human rights under international law and with humanitarian and refugee law.

In order to implement its international obligations, the Slovak Republic has adopted a number of legislative measures related to the prevention and countering of terrorism and incitement of terrorism. This particularly concerns the new Penal Code, the provisions of which are discussed in more detail under point 1.2. of this document, as well as the Act on Asylum (Act No. 480/2002 Coll.), the purpose of which was to lay down the asylum procedure, the procedure for granting temporary shelter, the rights and obligations of asylum seekers, persons granted asylum, aliens seeking temporary shelter and de facto refugees, stipulate the powers of public bodies in the area of asylum and temporary shelter, deal with the integration of persons granted asylum to the society and with the conditions of the stay in asylum facilities, etc.

This also applies to the Act on the Residence of Foreigners (No. 48/2002 Coll.) as amended, which concerns the conditions for entering the territory of the Slovak Republic by foreign nationals, the conditions for issuing documents to foreigners, the obligations of foreigners and other natural persons and legal entities related to the entry and residence, the procedure for residence notification, the registration of foreigners and control of residence, the procedure for the administrative deportation of foreign nationals from the territory of the Slovak Republic, the conditions for the detention of foreign nationals and their placement into the special detention facility for foreigners, the conditions for police transport of a foreign national through the territory of the Slovak Republic, as well as offences and other administrative infringements related to entry and residence of foreign nationals in the territory of Slovakia.

3. Assistance and guidance

On 16 August 2005, the financial intelligence unit (FIU) expressed its interest in receiving the assistance offered by the CTC focusing on the area of investigation techniques of money laundering, training in investigation techniques in the financing of terrorism and training to enable FIU staff to meet international standards in this area. FIU has not yet been contacted with respect to these activities and reaffirms its interests in receiving the assistance mentioned.